

Remarks

Reconsideration of the present application is respectfully requested.

Of pending claims 1-6, 8-11, 19-27, and 37-47, all have been rejected. Specifically, claims 1-3, 5, 8-11, 19, 21-24, 26-27, 37-38 and 44-47 were rejected under 35 U.S.C §102(e) for anticipation by the previously cited Jain patent application (U.S. Patent Application No. 2002/0112072). Remaining claims 4, 6, 20, 25, and 39-43 were rejected under 35 U.S.C. §103(a) for obviousness over the Jain patent application, as applied to claims 1, 5, 12, 19 and 24 and further in view of the applicants' admitted prior art (AAPA).

In their Amendment F, filed August 1, 2006, the applicants advanced arguments why the rejections based on the Jain reference should not stand and the Examiner responded to these arguments in the current final Office Action of October 16, 2006. However, the applicants remain unconvinced by the response and maintain their arguments. Furthermore, they are puzzled by at least one point in the Examiner's response. To the extent that the lack of clarity in the response was occasioned by a lack of clarity in the applicants' arguments, the applicants apologize. Nonetheless, the applicants wish the Examiner to address this point.

All of the independent claims 1, 19, 24, 39 and 44 recite an input "being arranged to specify one selected from a group including a nodal diverse constraint and a link diverse constraint for the alternate circuit path," or similar language. For example, claim 1 recites:

...a route generator, the route generator being arranged to generate a primary circuit path between the first node and the second node, the primary circuit path including a first element selected from the plurality of elements, wherein the route generator is arranged to accept an input, the input being arranged to specify one selected from a group including a nodal diverse constraint and a link diverse constraint for the alternate circuit path, the input further being arranged to specify circuit characteristics for the primary circuit path and for the alternate circuit path...(applicants' underlining).

The applicants do not find that this claim limitation in the cited Jain patent. In rejecting claim 1, the Examiner purportedly found this limitation in paragraphs [0081] and [0098]. However, paragraph [0081] recites:

Then, program flow moves to a state 610. In the state 610, a label switched path (LSP) may be set up that has its origin at the base node (e.g., node 128) and terminates at the end node (e.g., node 106). Preferably, this LSP does

not pass through the intermediate node (e.g., node 124). Accordingly, this LSP may be illustrated in FIG. 7 by the LSP 702. As can be seen from FIG. 7, the LSP 702 provides an alternate path from the node 128 to the node 106 that does not include the node through which the adjacency was learned (i.e. the node 124). Rather, the path 702 passes through the node 126. As such, this alternate path 702 would be suitable for use in the event the node 124 or a connected link experiences a fault, regardless of whether it is a partial failure or a complete failure.

The applicants do not see how the quoted language meets the quoted claim language in any way. Certainly there is no description of a selection from a group including a nodal diverse constraint and a link diverse constraint. Paragraph [0098] recites:

Referring to FIG. 9A, program flow begins in a start state 902. From the state 902, program flow moves to a state 904. In the state 904, a kind, type or category of protected resource may be specified for a particular resource of the network 100 (FIG. 1). For example, the protected resource may be a complete end-to-end label-switched path (LSP) within the network 100. Alternately, the protected resource may be a portion of the network 100, such as a series of links and nodes that form a multiple-hop path segment. Further, the protected resource may be a single network element (e.g., a node or a link) or a specified portion of a network element (e.g., an individual card slot of a router). The criteria specified in the state 904 may then be associated with an identification of the particular resource to which it pertains. For example, if the type of resource is a single node, then indicia of the type "node" may be associated with an identification of a particular one of the nodes the network, such its MAC address.

The paragraph describes the specification of what is to be protected in a network. The applicants do not see how the quoted language meets the quoted claim language in any way. The Examiner might have considered the following paragraph [0099], but that paragraph describes the level of protection for the specified protected resource. There is no description nor even a hint of a nodal diverse constraint and a link diverse constraint for the alternate circuit path, as recited in the claim. Paragraph [0099] describes how the protected resource might be protected, not how a resource might not be protected.

Hence the cited Jain reference does not anticipate nor render obvious pending independent claims 1, 19, 24, 39 and 44. Therefore, the applicants respectfully request that the rejections be withdrawn, that all pending claims 1-6, 8-11, 19-27, and 37-47 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite prosecution of the application, the Examiner is asked to call the undersigned at (408) 868-4088 without hesitation.

Respectfully submitted,

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